

SPECIAL COUNCIL MEETING

SEPTEMBER 4, 2013

The Special Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, September 4, 2013 at 8:34 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

Chair Furfaro: Aloha and good morning. I would like to call to order the Special Council Meeting which was posted for this morning at approximately 8:30 a.m.

APPROVAL OF AGENDA.

Mr. Bynum moved for approval of the agenda as circulated, seconded by Ms. Yukimura, and unanimously carried.

PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

Chair Furfaro: Jennifer, please come up on behalf of the County Attorney.

There being no objections, the rules were suspended.

JENNIFER S. WINN, Deputy County Attorney: Good morning, Chair and Councilmembers. Deputy County Attorney Jennifer Winn, for the record. I will read the Executive Sessions for you.

EXECUTIVE SESSIONS:

ES-667 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and the Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the quarterly report on pending and denied claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-668 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kauai County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing on County of Kaua'i vs. Michael Guard Sheehan, et al., Civil No. 11-1-0098 (Condemnation), Fifth Circuit Court, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-669 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing in Jeffery Sampoang vs. Harvey Brothers, LLC, et al., Civil No. 12-1-0294 JKW (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-670 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and to discuss legal issues concerning the application and enforcement of Kaua'i County Code Chapter 8, Article 17, specifically the sections enacted under Ordinance Nos. 864, 876 and 904, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-671 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide Council with a briefing and request for authority to settle claim against the County by Joseph L. Wildman, Esq., on behalf of Allan Albert, filed on February 25, 2013 and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-672 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing regarding the impact of the Koontz vs. St. Johns River Water Management District on the County's ability to impose exactions on developers and issues relating to the County's liability with respect to public access easements, and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Chair Furfaro: Members, are there any questions for the County Attorney? Thank you, Jennifer. As noted, there is no one wanting to give testimony. It has been my practice to take a roll call vote to go into Executive Session.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Kagawa moved to convene into Executive Session for ES-667, ES-668, ES-669, ES-670, ES-671, and ES-672, seconded by Ms. Yukimura, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Thank you very much. Let us move into the Chambers now because we do have a Committee Meeting that starts at 10:30 a.m.

There being no objections, the meeting was recessed at 8:40 a.m.

The meeting reconvened at 10:26 a.m., and proceeded as follows:

Chair Furfaro: We are back from Executive Session. I believe we have two (2) communications that we need to close in open session. Could you read those two (2) items for me?

COMMUNICATIONS:

C 2013-299 Communication (08/14/2013) from the County Attorney, requesting authorization to expend funds up to \$50,000 for Special Counsel's continued services provided in County of Kaua'i vs. Michael Guard Sheehan, et al., Civil No. 11-1-0098 (Condemnation), Fifth Circuit Court, and related matters: Mr. Rapozo moved to approve C 2013-299, seconded by Mr. Kagawa, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

C 2013-300 Communication (08/14/2013) from the County Attorney, requesting authorization to expend funds up to \$20,000 for Special Counsel's continued services provided for the County of Kaua'i in Jeffrey Sampoang vs. Harvey Brothers, LLC; et al., Civil No. 12-1-0294 JKW (Fifth Circuit Court), and related matters: Mr. Rapozo moved to approve C 2013-300, seconded by Ms. Nakamura, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,

RECUSED & NOT VOTING: None

TOTAL – 0.

Chair Furfaro: Thank you very much. That will conclude today's business for our Special Council Meeting. I suggest we take a ten (10) minute break. Mr. Kagawa, did you want the floor?

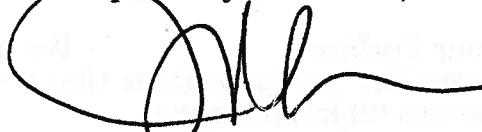
Mr. Kagawa: Chair, I would like to offer the Committee an option. We have people from the State of Hawai'i Organization of Police Officers Union (SHOPO) from O'ahu that flew over. If all of the Committee Chairs agree, we can quickly recess our Committees and get to the Committee of the Whole and take that item up first. I believe we can save our Police Officers some valuable time instead of waiting all day for their item.

Chair Furfaro: Okay. That is a recommendation made if we can go to the Committee of the Whole. I would appreciate that as well because I have a meeting across the street. Is there any further narrative on that? If not, this Special Council Meeting is concluded. We will be back in ten (10) minutes for our Committee Meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:29 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

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